

OFFICE OF THE CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
450 GOLDEN GATE AVENUE
SAN FRANCISCO, CALIFORNIA 94102

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE, \$300

SAN FRANCISCO

CA 940

10 APR 79

PM 5 1

W. Vincent McKnight Jr
Berford Weisler Kimpel 249
111 Sutter St. Ste 975
San Francisco, CA 94104

11

2

1 DAVID L. ANDERSON (CABN 149604)
United States Attorney
2 KIMBERLY FRIDAY (MABN 660544)¹
Deputy Chief, Civil Division
3 ELLEN LONDON (NYRN 4605671)
Assistant United States Attorney

4 450 Golden Gate Avenue, Box 36055
5 San Francisco, California 94102-3495
6 Telephone: (415) 436-7288
7 Fax: (415) 436-7169
ellen.london@usdoj.gov

8 Attorneys for the United States of America

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN FRANCISCO DIVISION

12 UNITED STATES OF AMERICA EX REL.
YUXIN "JAY" FANG,

13 Plaintiff,

14 v.

15 FORTINET INC. and ARROW ENTERPRISE
16 COMPUTING SOLUTIONS INC.,

17 Defendants.

CASE NO. 16-CV-314 JSC

STIPULATION OF THE UNITED STATES AND
RELATOR FOR ENLARGEMENT OF TIME;
[PROPOSED] ORDER

FILED UNDER SEAL

18 The United States of America and Relator Yuxin "Jay" Fang ("Relator"), through their
19 undersigned counsel of record, hereby stipulate and request that the Court enlarge by 3 days, until April
20 8, 2019, the period during which the United States may elect to intervene in the above-captioned False
21 Claims Act *qui tam* action, or to notify the Court that it declines to do so, and during which period the
22 complaint and other filings shall remain under seal.

23 1. This case was filed on January 20, 2016, by Relator pursuant to the *qui tam* provisions of the
24 federal False Claims Act ("FCA"), 31 U.S.C. §§ 3729-33. These provisions authorize private parties
25 (known as relators) to file lawsuits alleging FCA violations on behalf of the United States. 31 U.S.C.
26 § 3730(b).

28 ¹ Civil Chief Sara Winslow is not supervising this case due to a conflict.

FILED

APR 08 2019

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

1 2. This stipulation is being filed *ex parte* and under seal pursuant to the FCA. It is not being
2 served on the defendants, as the case is under seal and the defendants have not yet been served in this
3 case. This filing is being served on Relator.

4 3. The seal currently expires today, Friday, April 5, 2019. The parties have negotiated an
5 agreement to resolve this matter, and expected that the agreement would be executed by today, at which
6 point the United States would file a notice of intervention for purposes of settlement. However, Relator
7 is unexpectedly unable to sign the agreement today. Accordingly, the United States now seeks a three-
8 day extension of the seal, until and including Monday, April 8, 2019, to finalize the settlement. Relator
9 concurs in this request.

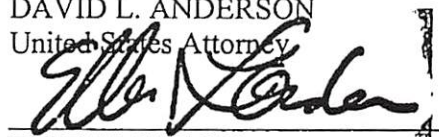
10 A proposed order accompanies this request.

11 Respectfully submitted,

12 DAVID L. ANDERSON
13 United States Attorney

14 Dated: April 5, 2019

By:

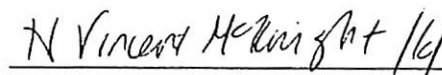

15 ELLEN LONDON
16 Assistant United States Attorney

Attorneys for the United States

18 SANFORD HEISLER KIMPEL, LLP

19 Dated: April 5, 2019

By:


20 H. VINCENT McKNIGHT, JR.
21 JOHN McKNIGHT
22 QIAOJING ZHENG
23 Attorneys for Relator Yuxin "Jay" Fang
24
25
26
27
28

1 CERTIFICATION

2 Pursuant to Local Rule 5-1(i)(3), the undersigned hereby attest that we have conferred with the
3 listed counsel regarding this filing, and the listed counsel have represented that they concur in the filing
4 of this document and that we are authorized to sign it on their behalf.

5
6 DATED: April 5, 2019

DAVID L. ANDERSON
United States Attorney

7
8 
KIMBERLY FRIDAY
ELLEN LONDON
Assistant United States Attorneys

~~PROPOSED~~ ORDER

IT IS HEREBY ORDERED THAT:

1. The United States shall have up to and including April 8, 2019, to inform the Court of its decision whether to intervene in this action.

2. This matter shall otherwise remain under seal until further order of the Court.

IT IS SO ORDERED.

Dated: _____, 2019

JACQUELINE SCOTT CORLEY
UNITED STATES MAGISTRATE JUDGE

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, et al.,

Plaintiffs,

v.

FORTINET INC., et al.,

Defendants.

Case No. 16-cv-00314-JSC

SEALED

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.


That on April 10, 2019, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Ellen London
U.S. Attorney's Office
450 Golden Gate Avenue
San Francisco, CA 94102

H. Vincent McNight, Jr.
Sanford Heisler Kimpel LLP
111 Sutter St.
Suite 975
San Francisco, CA 94104

Dated: April 10, 2019

Susan Y. Soong
Clerk, United States District Court

By: 
Ada Means, Deputy Clerk to the
Honorable JACQUELINE SCOTT CORLEY